

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) No. 3:14-CR-124
SHERRY ANN FETZER) Judge Reeves
Defendant.)

MEMORANDUM AND ORDER

Before the court is defendant's motion for early termination of probation and return of her passport [R. 511]. On January 20, 2017, defendant was sentenced to three (3) years of supervised probation following her guilty plea to conspiring to distribute and to possess with intent to distribute controlled substances. In support of her motion for early termination, defendant states she is currently employed at Revitalize MD and performs administrative activities. She has an opportunity to travel to Europe from January 20, 2020 to January 26, 2020. She needs the return of her passport to complete her travel plans.

The Probation Office reports that defendant has completed 35 months of a 36-month term of probation. Her term of probation will expire on January 19, 2020. Defendant has maintained a stable residence and employment, paid all court-ordered financial obligations, and has been in compliance with all conditions of supervision. She has incurred no new criminal charges while on probation. The Probation Office believes defendant poses no identifiable risks to public safety. Thus, the Probation Office has no objection to early

termination. However, the government does object to early termination pointing out that defendant is asking the court to reduce her actual sentence in this case.

Defendant moves for early termination of supervised probation pursuant to 18 U.S.C. § 3583(e) which provides:

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(6), and (a)(7) –

Terminate a term of probation and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

18 U.S.C. § 3583(e)(1).

After carefully considering the requirements of the statute, the court finds that the relevant portions of 18 U.S.C. § 3583(e) support an early termination of defendant's probation. In support of this determination, the court notes that defendant has completed more than half of her term of supervised probation and that defendant is in compliance with the conditions of her probation. In addition, the Probation Office does not oppose termination. It appears to the court that defendant has rehabilitated herself and she poses no threat to any individual or the community to reoffend. Accordingly, because the requirements of 18 U.S.C. § 3583(e)(1) have been satisfied, the court finds the motion for early termination of probation [R. 511] well taken, and it is hereby **GRANTED**. Defendant's term of supervised probation is **TERMINATED**.

IT IS FURTHER ORDERED that the Probation Office return defendant's passport to her.

Jamila T. Reeves
CHIEF UNITED STATES DISTRICT JUDGE

The court is glad to hear that defendant is doing well. The court wishes defendant success in her future endeavors.

IT IS SO ORDERED.

CHIEF UNITED STATES DISTRICT JUDGE